

UNITED STATES DISTRICT COURT

for the

District of

Division

Benita Dinkins-Robinson

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

UNITED STATES DEPARTMENT OF
EDUCATION

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

3:17-cv-2628-JFA-SVH

(to be filled in by the Clerk's Office)

Jury Trial: (check one)



Yes



No

RECEIVED
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2017 OCT 30 PM 2:51

Amended
COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	<u>Benita Dinkins-Robinson</u>
Street Address	<u>482 Pine Crest Street</u>
City and County	<u>Camden, Kershaw County</u>
State and Zip Code	<u>South Carolina, 29020</u>
Telephone Number	<u>803-432-5274</u>
E-mail Address	<u>gadrobine40.gr@gmail.com</u>

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

3:17-cv-2628-SFA-SV4

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

Defendant No. 1

Name

United States Department of Education

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

Defendant No. 2

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

Defendant No. 3

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

Defendant No. 4

Name

Job or Title *(if known)*

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address *(if known)*

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Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

- 1.) The plaintiff is currently a citizen of the United States of America and has been a citizen for more than one year prior to the commencement of this action.
- 2.) That the plaintiff are informed and believes that the Defendant the South Carolina Department of Education is a corporation and a government entity in the State of South Carolina in the County of Richland.
- 3.) The Plaintiff believes that this case falls under 28. U.S.C. &1331, statue 42 U.S.C. & 1981, 1982.1983 and 1985, Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Violation of her 14th Amendment rights.
- 4.) The plaintiff also believes that the amount and stake is more than \$75,000 not counting interest and cost of court because of lost wages, deformation of character, mental distress, false imprisonment and other punitive damages at a minimal.

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* _____, is a citizen of the
State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated
under the laws of the State of *(name)* _____,
and has its principal place of business in the State of *(name)* _____.

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Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual

The defendant, (name) _____, is a citizen of
the State of (name) _____. Or is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation

The defendant, (name) _____, is incorporated under
the laws of the State of (name) _____, and has its
principal place of business in the State of (name) _____.
Or is incorporated under the laws of (foreign nation) _____,
and has its principal place of business in (name) _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

(FOR THE FIRST CLAIM)
(MALICIOUS PROSECUTION)

1. The plaintiff believes that the defendant was responsible for malicious and unlawful prosecution toward her.
2. The charter school (MLD Higher Learning Academy) that the plaintiff was an employee of was a school within the SC Department of Education.
3. According to the SC State Law the charter school is govern by the "MLD" Board of Directors.
4. The plaintiff contends that the defendant allowed malicious prosecution at the direction of the South Carolina Department of Education and the South Carolina Charter School district which contends that they were the supervisors for the USDOE.
5. The plaintiff further contends tha the MLD Board of Directors as outlined in the SC State Law authorized and oversaw all services and expenditures.
6. The following Board of Directors will Testify that this expenditures were legitimate: George Williams, Elijah Dinkins, Pamela Dixon, Dewayne Spann, Easton Wells and Joann Mickens.
7. According to the government and evidence the SCDOE order these malicious prosecution in which the defendant allowed.
8. The USDOE falsely alleged that the defendant embezzled over \$600,000.00 from them.
9. The plaintiff and the MLD Board of Directors performed all required services by the USDOE as it relates to Title One, Special Education and Title Two.
10. The plaintiff and the MLD school officials provided all of the documation of services and the receipts vertiying all expenditures to supervisor designated by USDOE. The plaintiff will present all the receipts in this case.

(WRONGFUL CONVICTION)

11. The defendant further believes that the defendant's representatives purposely disregarded the truth even presented to them their own employees. As a result of these the plaintiff was falsely imprisoned as a result of this wrongful conviction.
12. The SC Department of Education (Supervisor for USDOE) along with the SC Charter School District first ordered a SC SLED Investigation.
13. The SLED investigation verified that the plaintiff nor the school "MLD" violated any state laws.
14. The designee of the United States Department of Education ignored this report as well as employees that stated that all services were provided.
15. The designee of the USDOE further stated that the plaintiff did not perform the contracted services and embezzled all of the Title One, Special Education and Title Two funds received by MLD Higher Learning Academy.
16. The entire MLD Board of Directors stated that the plaintiff operated solely under their supervision and was only compensated for services that were rendered to the school.
17. The entire MLD Board of Directors also stated that the plaintiff never misappropriate or embezzled any funds from "MLD Higher Learning Academy" or any other entity associated with them.
18. MLD Higher Learning Academy had a contractual obligation to the SCDOE, SCPCSD, USDA and USDOE not the plaintiff.
19. The entire MLD Board of Education also verified that they had a financial system in place to account for all funds to include both federal and state funds that came into the MLD incorporation.
20. The following pastors also stated that they administered the summer food program at their facility under the direction of "MLD"; Bishop Nathaniel Dixon, Elder Elijah Green and Elder George Williams. They will also testify
21. The following parents acknowledged that they children received adequate if not superb services at MLD: Annette Addison, Angela McMillian and George Williams. They will also testify.
22. Antonio Dinkins stated that he was the sole owner of New Age Computing and he provided the contracted services requested by "MLD".
23. Antonio Dinkins further stated that he was one of the Board Members of Project Reach.
24. Antonio Dinkins also verified that Project Reach was renting to own a building from Alan Ratner.
25. He then contended that Project REACH then contracted with "MLD" to rent the building from them.
26. The entire "MLD Board of Directors stated that "MLD" rented the building on Gregg Street, in Bishopville, SC from Project Reach.
28. The following MLD emplovees stated that they were paid out of USDA Title One and Snecial Education

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21. The following parents acknowledged that they children received adequate if not superb services at MLD: Annette Addison, Angela McMillian and George Williams. They will also testify.
22. Antonio Dinkins stated that he was the sole owner of New Age Computing and he provided the contracted services requested by 'MLD'.
23. Antonio Dinkins further stated that he was one of the Board Members of Project Reach.
24. Antonio Dinkins also verified that Project Reach was renting to own a building from Alan Ratner.
25. He then contended that Project REACH then contracted with "MLD" to rent the building from them.
26. The entire "MLD Board of Directors stated that "MLD" rented the building on Gregg Street, in Bishopville, SC from Project Reach.
28. The following MLD employees stated that they were paid out of USDA, Title One, and Special Education funds: Belvin Collier, Ennis Bryant, Sr., Vamishi Rupraditi, Antonio Dinkins and Beshunda Ervin.
29. The plaintiff presented direct evidence of services and expenditures.
30. However, the defendant totally discarded the evidence falsifying that the plaintiff embezzled all the federal funds that MLD ever received.
31. Thus resulting in the plaintiff being falsely convicted and imprisoned.

**FOR A SECOND CAUSE OF ACTION
(NEGLIGENCE OF THE DEFENDANT)**

32. The allegations of paragraphs 1 through 31 of the Complaint are re-alleged and reasserted as if set forth herein.
33. That on or about September 29, 2015, That the Plaintiff was unlawfully detained because of the false allegations by the defendant.
34. That the Plaintiff was an employee under the direction the South Carolina Department of Education and to be ruthlessly harassed and abused was unnecessary and a violation of Title IV and Title VI of the Civil Rights Acts of 1964.
35. The following persons will verify the above violations: Laura Oliver, SCDOE, Nancy Busbee SCDOE, Elijah Dinkins, MLD-BOD, George Williams, MLD-BOD, David Church, Mary Carimicial.
36. That the incident was caused by the negligence the South Carolina Public Charter School District, SCDOE and USDOE because the plaintiff refused to close down a school serving poor students in their district.
37. That the negligence of the Defendant, USDOE to equally treat the plaintiff like all other administer in the district.
38. The plaintiff believes that because of her race, gender and economic level the defendant purposely violated her equal opportunity to administer these programs.
39. The defendant unnecessary harassment and physical/emotional abuse has proximate cause of injuries and damages to the Plaintiffs hereinafter described.
40. That the Plaintiff suffered personal/emotional injuries as a proximate result of the Defendants' negligence which caused emotional and psychological abuse, such as not being able to sleep, anxiety, major depression, PTSD, grief/loss, separation anxiety and high blood pressure.
41. If the defendant acted with hatred or malice toward the plaintiff.
42. That the Plaintiffs did not contribute to causing the incident which resulted in her injuries.

**FOR A THIRD CAUSE OF ACTION
(DEFAMATION OF CHARACTER BY THE DEFENDANTS)**

43. The allegations of paragraphs 1 through 43 of the Complaint are re-alleged and reasserted as if set forth herein.
44. The plaintiff believes that the defendants' false accusations caused a defamation of her characters.
45. The defendants purposely defamed the plaintiff ruining her reputation and her chances of working in her field again.
46. The defendants verbally and in written form slandered the plaintiff's name.

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47. That because of these statements the plaintiff has suffered the following damages to include loss wages, damages to her reputation, and mental anguish.

48. The defendants caused the plaintiff the following mental and physical anguish: insomnia, major Depression, PTSD and anxiety, high blood pressure and other physical ailments.

**FOR A FOURTH CAUSE OF ACTION
(CIVIL RIGHTS VIOLATION BY THE DEFENDANT)**

49. The allegations of paragraphs 1 through 48 of the Complaint are re-alleged and reasserted as if set forth herein.

50. The plaintiff believes that the defendants purposely plotted and discriminated against her.

51. The plaintiff believes that the defendants conspired against her to deter other minority leaders from opening schools. The following persons will testify as the this acts Alice Wearing, Michelle Spradley, Deloris Brown, George Williams, Nancy Busbee, Elijah Dinkins, Antonio Dinkins

52. The plaintiff believes that her civil rights were duly violated .

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

**FOR A FIFTH CAUSE OF ACTION
(PUNITIVE DAMAGES)**

53. The allegations of paragraphs 1 through 52 of the Complaint are re-alleged and reasserted as if set forth herein.

54. As the result of the willful hatred act or malice behavior of the Defendants resulting in deformation of character and civil rights violation school, as well as the physical abuse that caused the great danger such behavior causes to the public, the Defendant should be required to pay the Plaintiffs punitive as well as actual damages as a result of their malice and grossly negligent behavior.

WHEREFORE, having fully set forth the allegations, the Plaintiff prays that this court would inquire into the allegations and issue its order awarding the Plaintiff, Benita Dinkins-Robinson,

- A. General damages in an amount to be determined by a jury and
- B. For such other relief that the Court may deem just and proper and issue its order awarding the Plaintiffs, Benita Dinkins-Robinson
- C. General damages in an amount to be determined by a jury,
- D. Medical and incidental expenses according to proof of the same,
- E. Compensation for such things as humiliation, injury to the plaintiff's reputation, major depression, PTSD, high blood pressure, grief/loss, separation anxiety or other discomfort, loss of earnings, or damage to personal property due to the confinement.
- E. Punitive damages for providing unnecessary harm to the plaintiff in the amount of 100 million dollars,
- F. Damages for the Plaintiff's costs, including attorney's fees in this action and
- G. For such other relief that the Court may deem just and proper.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

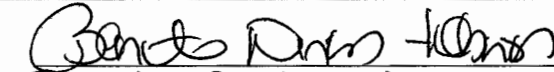
Date of signing:

10/20/2017

Pro Se 1 (Rev. 12/16) Complaint for a Civil Case

Signature of Plaintiff

Printed Name of Plaintiff


Brenda Dinkins-Lobman

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

